

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 16-31 will be active in the application subsequent to entry of this Amendment.

Discussion of Amendments to the Claims

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention and to convert the original "for use in ..." claims to methods of treatment. The claim amendments also address the issues of enablement as discussed in the outstanding Official Action.

The claims are amended into method of treatment format and directed to treatment of inflammation and/or wound healing in aquatic animals. Basis for treatment of inflammation can be found in original claim 1. Basis for wound healing can be found at page 1, line 32 and page 3, lines 13-15 of the description. Basis for aquatic animals can be found in previous claim 15 and at page 1, line 4 of the description.

Claims 17-21 and 23-30 generally correspond to original claims 2-14. The "preferred" part of claim 6 is the subject matter of new dependent claim 22. Claim 15 has been withdrawn as redundant, the subject matter being incorporated into amended claim 1 (new claim 16).

A second independent claim, claim 31, has been added directed to a method of treatment and does not include the prophylactic aspect of claim 16.

Response to Prior Art-Based Rejection

The Examiner objects that the original composition claims lack novelty over each of WO 95/04467 (WO'467), EP 0466037 (EP'037) and WO 95/30022 (WO'022). Applicants submit that the amended claims overcome this objection.

WO'467 discloses an animal feed composition that comprises yeast glucan for enhancing animal growth (page 1, lines 6-9). WO'467 does not, however, disclose a method of treatment of inflammation or wound healing as required by new claim 16 (amended claim 1). Moreover, WO'467 also does not describe treatment of aquatic animals. Rather the animals treated in WO'467 are chickens, pigs, turkeys and calves (page 3, lines 6-9). Accordingly the amended claims are novel over WO'467.

EP'037 discloses use of a glucan preparation that derives from yeast for enhancing the resistance of aquatic animals to disease (page 3, lines 28-30). In some embodiments in EP'037

the glucan preparation is used in conjunction with a vaccine (page 3, lines 40-42). EP'037 does not, however, disclose a method of treatment of inflammation or wound healing as required by claim 16. Rather EP'037 is concerned with prophylactic treatment against infection. Accordingly the amended claims are novel over EP'037.

WO'022 is related to EP'037 (page 1, lines 12-13) and discloses an enhanced glucan preparation for stimulating the immune system (page 2, lines 11-17). Like EP'037, however, there is no disclosure in WO'022 of a method of treatment of inflammation or wound healing as required by claim 16. Rather EP'037 is concerned with prophylactic treatment against infection. Accordingly the amended claims are also novel over EP'037.

Although not discussed in the outstanding Official Action, applicant does wish to take this opportunity to explain the inventiveness (non-obviousness) of the present invention is defined by the now pending claims. Applicant has discovered that 1,3 and/or 1,6 beta-glucans are extremely effective in the treatment of wounds and inflammation in aquatic animals such as fish. In contrast none of the prior art documents disclose or suggest use of beta-glucans in such treatments. Rather WO'467 is concerned with enhancement of growth and EP'037 and WO'022 are concerned with prevention of future, rather than existing, diseases. Accordingly the applicant submits that the claims must be considered inventive over the prior art.

Response to Enablement Rejection

The Examiner also objects that the claims are non-enabled. Amended claim 1 (new claim 16) has, however, been restricted to a method of treatment of aquatic animals as well as to treatment of only two diseases, namely inflammation and/or wound healing. Thus the amended claim encompasses a much narrower range of treatments.

This is consistent with the description of the invention which describes how to carry out treatments as claimed. The description discloses from where suitable 1,3 and/or 1,6-beta glucans can be obtained (page 3, lines 6-7) and teaches various ways by which these may be administered. Page 3, lines 11-12 of the description, for instance, describe the typical amounts of 1,3 and/or 1,6-beta glucans that are used in water immersion treatment and page 4, lines 4-5 describe representative amounts of 1,3 and/or 1,6-beta glucans that may be administered by injection. Page 4, lines 17-20 describe different oral forms into which the 1,3 and/or 1,6-beta glucans may be formulated. Applicant submits that the amended claims are enabled.

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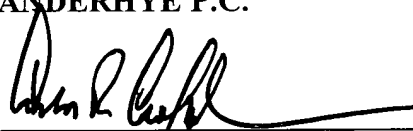
Considering the changes of scope made to the claims and the underlying description of the invention reconsideration and withdrawal of the enablement rejection is requested.

Applicants have amended their claims and directed them to preferred subject matter as featured in the description in a manner that is consistent with the information provided by the overall disclosure of the invention and thus enabled. The claims are considered to be novel and inventive thus reconsideration and favorable action are solicited. Should the examiner require further information, please contact the undersigned.

Respectfully submitted,

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